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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

APR 13 2012

ALAN CARLSON, Clerk of the Court

BY: _____, DEPUTY
WILEEN FERRIS

9 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **IN AND FOR THE COUNTY OF ORANGE, CENTRAL JUSTICE CENTER**

11 THE PEOPLE OF THE STATE OF CALIFORNIA,)

12 Plaintiff,)

13 vs.)

14 Scott DeKraai,)

15 Defendant.)
16

Case No.: 12ZF0128

PEOPLE'S NOTICE OF
AGGRAVATION EVIDENCE
(PENAL CODE SECTION 190.3)

Trial Date: October, 15 2012
Dept. C41

17
18 TO THE DEFENDANT, SCOTT DEKRAAI, BY AND THROUGH HIS ATTORNEY:

19 You are herein given notice, in accordance with Penal Code section 190.3, of the
20 following evidence which the People intend to present in aggravation at the penalty phase of trial
21 in the above-captioned matter.

22 A. SECTION 190.3(a) EVIDENCE

23 Pursuant to Penal Code section 190.3(a), the People intend, at penalty phase, to re-
24 introduce the evidence produced at the guilt phase which proved the charged crimes,
25 enhancements and special circumstances alleged in the Information.

26 Furthermore, pursuant to Penal Code section 190.3(a), the People intend, at penalty phase, to
27 introduce the following additional evidence as aggravation evidence concerning the
28 circumstances of the crimes charged in the present case:

- 1 1. That the defendant shot the victims Michelle Fournier, Christy Wilson, Randy Fannin,
2 Victoria Buzzo, Michelle Fast, Lucia Kondas, Laura Webb Elody, and David Caouette in
3 an execution-style fashion from close range with the pre-meditated, deliberate intent to
4 kill them.
- 5 2. That defendant attempted to kill Harriet Stretz in the same fashion.
- 6 3. That the victims were unarmed and particularly vulnerable when he shot them.
- 7 4. That the victims posed no threat to defendant at any time.
- 8 5. Evidence concerning the cause of the victims' deaths, the manner of their deaths, and the
9 sensations and suffering they experienced as (and after) they were wounded. (See *People*
10 *v. Wrest* (1992) 3 Cal.4th at 1107-1108.)
- 11 6. That the manner in which the crimes were carried out by defendant indicates planning,
12 sophistication, and professionalism on his part.
- 13 7. That the manner in which the crimes were committed and attempted to be committed
14 disclose that defendant acted with a high degree of cruelty, viciousness, and callousness.
- 15 8. That the defendant was remorseless while and soon after committing the crimes. (See
16 *People v. Pollock* (2004) 32 Cal.4th 1153, 1184-1185.)
- 17 9. The harm that was caused by the defendant in shooting the victims, including, but not
18 limited to:
 - 19 a. The impact upon the families of the victims.
 - 20 b. The impact upon the survivors.
 - 21 c. The impact upon the witnesses (including responders to the crime scene).

- d. The impact upon the Seal Beach community. (See *People v. Huggins* (2006) 38 Cal. 4th 175, 238; *People v. Marks* (2003) 31 Cal. 4th 197, 235-236.)

B. SECTION 190.3(b) EVIDENCE

Pursuant to Penal Code section 190.3(b), the People intend, at penalty phase, to introduce the following evidence as aggravation evidence concerning criminal activity by the defendant which involved the use or attempted use of force or violence or the express or implied threat to use force or violence:

1. Battery causing great bodily injury (PC 243(d))
 - a. Committed on and between about March – September, 1995
 - b. Victim = Kristen W.
 - c. While in Costa Rica, Defendant slammed girlfriend's head against a car, causing a concussion.
2. Battery against spouse (PC 243(e))
 - a. Committed on or about May 28, 1998
 - b. Victim = Kristen D.
 - c. Defendant grabbed wife around her throat and pushed her down stairs.
3. Criminal Threats, Brandishing Handgun, Assault with Deadly Weapon (PC 422, 417(a)(2), 245(a)(2))
 - a. Committed on or about January 10, 2004
 - b. Victim = Michelle Fournier, Jan. 2004
 - c. Defendant waved gun at his wife and threatened to kill her if she did not leave the house.
4. Battery (PC 242)
 - a. Committed on and between September, 2004 – March, 2005
 - b. Victim = Monte Moore

- 1 c. Defendant argued with his grandfather over money and pushed him, knocking
2 him down
- 3 5. Criminal Threats (PC 422)
- 4 a. Committed on and between November, 2004 – March, 2005
- 5 b. Victim = Darlene B.
- 6 c. Over the telephone, Defendant threatened great bodily harm to victim.
- 7 6. Criminal Threats (PC 422)
- 8 a. Committed on and between November, 2004 – March, 2005
- 9 b. Victim = Darlene B.
- 10 c. In person, Defendant threatened great bodily harm to victim.
- 11 7. Criminal Threats (PC 422)
- 12 a. Committed on or about May 12, 2005
- 13 b. Victim = Darlene B.
- 14 c. Over the telephone, Defendant threatened great bodily harm to victim.
- 15 8. Battery (PC 242)
- 16 a. Committed on or about August 19, 2007
- 17 b. Victim = Leroy H.
- 18 c. Defendant argued with victim and punched him repeatedly, causing bruises.
- 19 9. Criminal Threats (PC 422)
- 20 a. Committed on or about October 2, 2009
- 21 b. Victim = Darlene B.
- 22 c. Over telephone, Defendant threatened great bodily harm to victim.

23 Respectfully submitted this 13th day of April, 2012,

24 TONY RACKAUCKAS, DISTRICT ATTORNEY
25 COUNTY OF ORANGE, STATE OF CALIFORNIA

26 By: 

DAN WAGNER

27 Assistant District Attorney
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